

Mississippi Secretary of State

700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Division of Medicaid		CONTACT PERSON Kristi Plotner	TELEPHONE NUMBER 601-359-6698	
ADDRESS 550 High Street, Suite 1000		CITY Jackson	STATE MS	ZIP 39201
EMAIL Kristi.plotner@medicaid.ms.gov	SUBMIT DATE 07/06/2012	Name or number of rule(s): Administrative Code Title 23: Medicaid Part 202 Hospital Services, Chapter 2 Outpatient Services, Rule 2.3, Rule 2.7 and Rule 2.8		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The MS Division of Medicaid's Administrative Code filing is to modify Title 23, Part 202 Rule 2.3, Rule 2.7 and Rule 2.8 to reflect implementation of the Outpatient Hospital Ambulatory Payment Classification (APC) payment methodology as authorized during the 2012 Legislative Session. This filing also clarifies the six (6) emergency room visits per fiscal year are for non-emergent visits.

Specific legal authority authorizing the promulgation of rule: MS Code §43-13-117(A)(2)(c)

List all rules repealed, amended, or suspended by the proposed rule: §43-13-117(A)(2)

ORAL PROCEEDING:

☒ An oral proceeding is scheduled for this rule on Date: 07/27/12 Time: 9:00 – 12:00 Place: War Memorial

☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES

____ Original filing
____ Renewal of effectiveness
To be in effect in ____ days
Effective date:
____ Immediately upon filing
____ Other (specify): ____


PROPOSED ACTION ON RULES

Action proposed:
____ New rule(s)
☒ Amendment to existing rule(s)
____ Repeal of existing rule(s)
____ Adoption by reference
Proposed final effective date:
____ 30 days after filing
☒ Other (specify): Sept. 1, 2012

FINAL ACTION ON RULES

Date Proposed Rule Filed: ____
Action taken:
____ Adopted with no changes in text
____ Adopted with changes
____ Adopted by reference
____ Withdrawn
____ Repeal adopted as proposed
Effective date:
____ 30 days after filing
____ Other (specify): ____

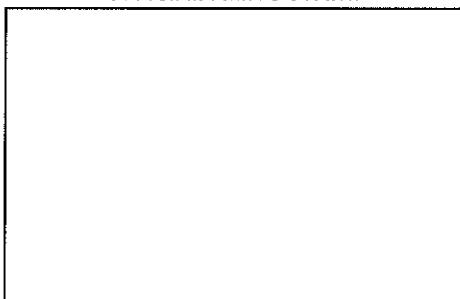
Printed name and Title of person authorized to file rules: David J. Dzielak, Ph.D., Executive Director

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP

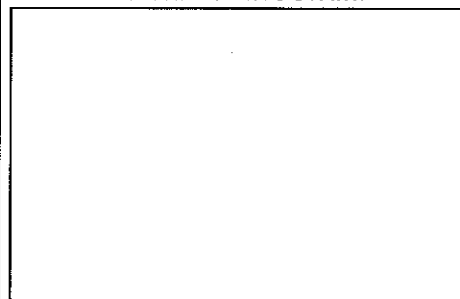


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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME MS Division of Medicaid	CONTACT PERSON Krisit Plotner		TELEPHONE NUMBER (601) 359-6698
ADDRESS 550 High Street, Suite 1000	CITY Jackson	STATE MS	ZIP 39201
EMAIL Kristi.Plotner@medicaid.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Outpatient Ambulatory Payment Classification payment methodology Title 23 Medicaid Part 202 Hospital Services Chapter 2 Hospital Services Rule 2.3, Rule 2.7, Rule 2.8		
Specific Legal Authority Authorizing the promulgation of Rule: §43-13-117 (A)(2)		Reference to Rules repealed, amended or suspended by the Proposed Rule: §43-13-117(A)(2)	

A. Estimated Costs and Benefits

- Briefly summarize the benefits that may result from this regulation and who will benefit:

The Division of Medicaid believes a change in reimbursement from a cost-to-charge ratio to an Ambulatory Payment Classification (APC) methodology, will have many advantages such as reducing administrative burden on hospitals and DOM; and rewarding hospitals who reduce costs.

- Briefly describe the need for the proposed rule:

House Bill 421 in the 2012 Legislative Session authorized the MS Division of Medicaid (DOM) to implement an APC hospital outpatient payment methodology.

- Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

Improved quality of health care delivery.

- Estimated Cost of implementing proposed action:

a. To the agency

☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

b. To other state or local government entities

☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

- Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

c. Cost:

☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

d. Economic Benefit:

☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

- Estimated impact on small businesses:

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

- a. Estimate of the number of small businesses subject to the proposed regulation:
- b. Projected costs for small businesses to comply:
- c. Statement of probable effect on impacted small businesses:

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

- ☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☒ moderately more than
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

- ☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☒ moderately more than
☐ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

- ☐ yes ☒ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)
N/A

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form.

Outpatient Medicaid claims for six months were analyzed and run through the APCs for a simulation of payments under the APC payment methodology. The resulting APC payments for each hospital individually and all hospitals in total, were compared to the corresponding payments under the cost-to-charge ratios.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and demand an oral proceeding on the proposed rule if one is not already provided?

Written comments will be received by the Division of Medicaid, Office of the Governor, Walter Sillers Building, Suite 1000, 550 High Street, Jackson, MS 39201, thirty (30) days from the date of publication of public notice. All comments will be available for public review at the above address. A public hearing will also be held on this amendment on Friday, July 27, 2012, at the War Memorial, from 9:00 -12:00.

SIGNATURE

TITLE

Executive Director

DATE

PROPOSED EFFECTIVE DATE OF RULE

September 1, 2012